

CHAPTER 2 DEFINITIONS

Section 200 Interpretation of Words

The following rules of word usage apply to the text of this Zoning Resolution.

- A. The word “person” includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- B. The word “shall” indicates a mandatory requirement. The word “may” indicates a permissive requirement. The word “should” indicates a preferred requirement.
- C. Words used in the present tense shall include the future tense; words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary; use of gender specific pronouns is literary and shall be interpreted to include both sexes.
- D. A “building” or “structure” includes any part thereof.
- E. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied.”
- F. Any word or term not defined herein shall be given a meaning found in the latest publication of the American Planning Association’s Survey of Zoning/Development Definitions and/or Webster’s Dictionary.

Section 201 Definitions

Abandonment: To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

Abutting: To physically have property or district lines in common.

Accessory Dwelling Unit: A separate housekeeping unit, complete with its own sleeping, cooking, and bathroom facilities, that is substantially contained within the structure of a single family dwelling, but functions as a separate unit.

Accessory Structure: A structure on the same lot with, and of a nature customarily incidental and subordinate to the principal structure. (Also see definitions of Structure, and Structure, Accessory)

Accessory Use: A use on the same lot with, and of a nature customarily incidental and subordinate to the principal use. (Also see definitions of Use, and Use, Accessory)

Active Recreation: Leisure time activities characterized by repeated and concentrated use of land, often requiring equipment and taking place at prescribed places, sites or fields. Examples of active recreation facilities include: golf courses, tennis courts, swimming pools, softball, baseball and soccer fields. For the purpose of these regulations, active recreation facilities do not include paths or

trails for snowmobiles, All Terrain Vehicles (ATV's) or other motorized off-road vehicles, bike riding, hiking, walking and picnic areas.

Addition: Any construction that increases the size of a building or other structure.

Adult Day Care Center: Any place in which day care is provided for adults in need of temporary oversight, and which may include incidental facilities for the preparation and consumption of meals, rest and recreation.

Adult Entertainment Uses: Include but are not limited to:

Adult Arcade: Any place to which the public is permitted or invited, wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

Adult Bookstore or Adult Video Store : A commercial establishment which derives twenty-five percent (25%) or more of its gross income from the sale and rental of, or utilizes twenty-five percent (25%) or more of its retail selling area for the display of any one or more of the following:

1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas."
2. Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities." A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as "Adult" Bookstore or "Adult" Video Store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an "Adult" Bookstore or "Adult" Video Store.

Adult Cabaret: A nightclub, bar, restaurant or similar establishment that regularly features live dancers or performers who must wear at least pasties and a g-string. No nudity or state of nudity is permitted.

Adult Motion Picture Theater: A commercial establishment which derives twenty-five percent (25%) or more of its gross income from the showing of, or utilizes twenty-five percent (25%) or more its total viewing time for the presentation of, or both, materials for observation by its patrons, films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are regularly shown and which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

Massage Parlor: An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the State of Ohio. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishments where massage or similar manipulation of the human body is offered as an incidental or accessory service.

Adult Residential Facility-Institutional: A facility licensed to provide residential care for 17 or more adults needing daily assistance, but not skilled nursing care, or 11 or more adults receiving skilled nursing for treatment and healing from sickness/injury.

Agriculture: Any of the following activities and uses of land as defined by the Ohio Revised Code, Chapter 519.01: Farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to, the care and raising of stock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

Agriculture Security Area: Land that has been identified in a long-range plan as significant for agriculture, and which land area will receive preference for agriculture preservation incentives and programs. Participation in agriculture security areas is voluntary.

Agricultural Buffers: A space between a farm and a non-farm property that is kept undeveloped and often planted or maintained in trees and shrubs to minimize any spillover of noise, dust, and odors.

Agricultural Conservation Easement: A voluntary legal agreement restricting development on farmland. Land subjected to an Agriculture Conservation Easement is generally restricted to farming and open space. (Also see Conservation Easement)

Agriculture Zoning: A zoning district and accompanying regulations designed to protect farmland from incompatible non-farm uses.

Agritourism: A farm enterprise operated for the enjoyment and education of the public that may also generate additional farm income by promoting farm products.

Airport: Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

Aisle: The traveled way by which cars enter and depart parking spaces.

Alley: See thoroughfare.

Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Amendment: Any addition to, deletion from, or changes in this Zoning Resolution, including text and/or map; or in any adopted site plan for a project.

Amusement Arcade: A building or part of a building in which five (5) or more pinball machines, video games, or other similar player operated amusement devices are maintained.

Animal Hospital: Any building or portion thereof designed or used for the care, observation, or treatment of domestic animals.

Antenna: Any structure or device used for the purpose of collecting or transmitting electromagnetic signals, including but not limited to directional antenna, such as panels, microwave dishes, satellite dishes, and omni-directional antennas, such as whip antennas.

Antique Shows: Display and sales of art, furniture, household, farm furnishings, decorative objects, artifacts where at least 25% of such items are at least 100 years old. The remaining items may range in age between 20-100 years old. This does not include vehicles for the purposes of this definition.

Apartment: See Dwelling.

Applicant: Owner of record or his or her authorized agent, which shall be confirmed in writing.

Appraisal: A systematic method of determining the market value of property.

Aquifer: A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water.

Aquifer Recharge Area: An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

Arts and Crafts Shows: Display and sale of paintings, handcrafts, sculptures, similar objects and craft materials.

Association: A legal entity operating under recorded land agreements or contracts through which each unit owner in the development is a member and each dwelling unit is subject to charges for a proportionate share of the expenses of the organization's activities such as maintaining common

open space and other common areas and providing services needed for the development. An association can take the form of a homeowners' association, community association, condominium association or other similar entity.

Automatic Timing Device: A switching device, a part of which is a clock, set to the prevailing time (Eastern Standard Time or Daylight Savings Time), that will control the period of illuminating outdoor light fixtures and outdoor signs.

Automotive Fuel Station: Any building or premises used for the dispensing or sale of automobile fuels, lubricating oil or grease, tires, batteries, or minor automobile accessories. Minor automotive services may be rendered.

Automotive Repair: The repair, rebuilding, servicing or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Automotive Service and Repair Shop: The general repair, engine rebuilding or reconditioning of motor vehicles; collision service such as body, frame, fender straightening and repair; and painting of motor vehicles. Services offered may include the changing of motor oil, installation of tires, batteries and minor accessories, minor automobile repairs, the greasing or washing of individual automobiles, and incidental sales of auto parts and supplies.

Automotive Wrecking: The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled partially dismantled, obsolete or wrecked vehicles or their parts.

Bar:

Bar and/or Cocktail Lounge: Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefrom by law. It shall not mean a premise wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than twenty-five percent (25%) of the gross receipts.

Tavern: An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks are available for consumption on the premises.

Basement: A story that is all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Bed and Breakfast Establishment: A use subordinate to single family dwelling unit use in which overnight guests are provided a sleeping room and board, in return for payment.

Board: The Board of Zoning Appeals of Randolph Township, Ohio

Boarder/Roomer: Any person, except family, who in exchange for compensation, receives meals and/or lodging.

Boarding House, Rooming House, Lodge: A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation for unrelated persons. These uses shall be characterized by the joint use by the inhabitants of at least one of the following: kitchen areas, dining room, restroom, or bath area.

Buffer: A designated area between uses or adjacent to the perimeter of natural features designed and intended to provide protection and which shall be permanently maintained. Buffers are usually landscaped and/or kept in open space, depending upon their purpose.

Land Use Buffer: Land area used to separate or visibly shield and/or screen one use from another.

Riparian Buffer: A naturally vegetated area located adjacent to streams and rivers that is intended to stabilize banks, limit erosion and provide wildlife accessibility and habitat.

Wetlands Buffer: An area of undisturbed natural vegetation located adjacent to the perimeter of the wetlands.

Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Building Envelope: An area within a conservation development that is designated as a location within which a dwelling unit is to be placed in compliance with the building setback and spacing requirements of this Zoning Resolution. A building envelope may or may not be located within a sub-lot and may or may not have frontage on a public street.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Line: A line parallel with and measured from the front lot line, defining the limits of a front yard in which no building or structure may be located above ground, except as provided in this Resolution.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Building Setback Line, Front: A line establishing the minimum allowable distance between a street or other right-of-way and any structure as measured from the front property line or right-of-way.

Building Setback Line, Side or Rear: A line establishing the minimum allowable distance between a property line and any structure as measured from the property line.

Business, Convenience/Neighborhood: Commercial establishments that cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores if less than 10,000 square feet in floor area. Convenience business uses tend to serve the day-to-day needs in the neighborhood.

Business, General: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which, in addition to serving day to day needs of the community also supply the more durable and permanent needs of the community. General business uses include, but need not be limited to, such activities as supermarkets, stores that sell hardware, apparel, footwear, appliances, and furniture; department stores, and discount stores.

Business, Highway: Commercial uses which generally require locations on or near major thoroughfares and /or their intersections, and which tend to serve the motoring public. Highway business uses include, but need not be limited to such activities as gas stations, truck and auto sales and service, restaurants and motels, and commercial recreation.

Business, Office Type : Quasi-commercial uses which may often be transitional between retail business and/or manufacturing, such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices of a charitable, philanthropic, or religious or educational nature are also included in this classification.

Business Services: Any profit making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

Business, Wholesale: Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

Camper: A person who registers his party for the occupancy of a campsite or who otherwise assumes charge of or is placed in charge of a campsite.

Campground: An area of land and/or water on which is located recreational vehicles, motor homes, or mobile trailers, tents, cabins, or similar shelter suitable and intended for use in a temporary, seasonal manner. Campgrounds also typically include other permanent structures such as recreational facilities, offices, laundry and bathing facilities and the manager's residence.

Camping Unit: A tent or camping vehicle temporarily located on a campsite.

Camping Vehicle: A motorized vehicle not more than 45 feet in length, or such length as defined by the Ohio Revised Code, operating under its own power or towed by an automobile, suitable for temporary habitation, used for travel, vacation or recreational purposes. (Also see Recreational Vehicles)

Campsite: A plot of ground within a campground intended for the exclusive occupation by a camping unit or units under the control of a camper.

Car Wash: Any building, or portion thereof, containing facilities for washing one or more automobiles at any one time, using production line methods such as a chain conveyor, blower, steam cleaning device or other mechanical devices; or providing space, water, equipment or soap for the complete or partial cleaning of such automobiles, whether by operator or customer.

Carryout Restaurant: See Restaurant, Fast-Food

Cemetery: Land used or intended to be used for the burial of humans or animals and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Central Sewer System: Individual units connected to a common sewage disposal system.

Central Water System: Individual units connected to a common water distribution system.

Channel: A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

Child Day Care: Administering to the needs of infants, toddlers, pre-school children and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four (24) hour day in a place or residence other than the child's own home.

Child Day Care Center: Any place in which child day care is provided, with or without compensation, for 13 or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for seven (7) to twelve (12) children at any one time. In counting children for the purposes of this Zoning Resolution, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted. Day care centers located in dwelling units shall not be permitted pursuant to this Zoning Resolution.

Child Day Care Home, Type A: A permanent residence of the provider in which child day care is provided for four (4) to twelve (12) children at one time, if four (4) or more children at one time are under two (2) years of age. In counting children for the purposes of the Zoning Resolution, any children under six (6) years of age who are related to a licensee, administrator or employee and who are on the premises of the type A home shall be counted. The term "Type A Child Day Care Home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

Child Day Care Home, Type B: A permanent residence of the provider in which child day care or child day care services are provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two (2) years of age at one time. In counting children for the purposes of the Zoning Resolution, any children under six (6) years of age who are related to the

provider and who are on the premises of the type B home shall be counted. The term "Type B Child Day Care Home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

Church: An institution that people regularly attend to participate in or hold religious services, meetings, and other church related activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

Clinic: A place used for the care, diagnosis and treatment of sick, ailing, infirmed, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.

Club: A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

Cluster Development (Also see Conservation Development): A form of development which allows homes to be built close together in areas where large minimum lot sizes are generally required, allowing more open space to be protected.

Commercial Entertainment Facilities: Any profit making activity that is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges and similar entertainment activities.

Common Land: A parcel, or parcels of land, together with the improvements thereon, the use and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned residential, commercial or industrial development.

Common Drive (See Minor Lane Conservation Subdivision): A private way that provides vehicular access to at least two but not more than 10 dwelling units¹.

Composting: The controlled biological decomposition of organic solid wastes under predominately aerobic conditions. Fermentation and/or putrefaction, the decomposition under predominately anaerobic conditions resulting in the production of leachate and odor is not composting.

Comprehensive Plan: A plan, or any portion thereof, adopted by the Zoning Commission and the Township Trustees of Randolph, showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

Conditional Use: A use permitted within a district other than a principally permitted use, requiring a conditional zoning certificate and approval of the Board of Zoning Appeals.

¹ Consistent with Minor Lane Subdivision Requirements of the Portage County Subdivision Regulations.

Conditional Zoning Certificate: A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use specified in this resolution other than a principally permitted use to be established within the District.

Condominium: A form of real estate ownership where there is a fee simple ownership of an individual unit and fractional ownership with other persons in the common areas of the project and submitted to the provisions of Ohio Revised Code, Chapter 5311.

Congregate Living Facility: Any building, residence or other place in which the operator provides personal services except skilled nursing services for up to 8 persons. Such facilities contain only congregate kitchen, dining and living areas with separate sleeping rooms.

Conservation Development: A contiguous area of land to be planned and developed as a single entity, in which housing units are accommodated under more flexible standards, such as building arrangements and setbacks, than those that would normally apply under single-family district regulations, allowing for the flexible grouping of houses in order to conserve open space and existing natural features. (Also See Cluster Development)



Conservation Easement: A legal interest in land which restricts development and other uses of the property in perpetuity for the public purpose of preserving the rural, open, natural or agricultural qualities of the property, as authorized by ORC 5301.67-5301.70

Contiguous: Adjacent to and touching at or along some point or boundary.

Cultural Resources: Sites, structures and artifacts that are associated with our heritage. Their significance is archaeological, historical, aesthetic, architectural or has a local cultural significance.

Dedication: The transfer of property from private to public ownership.

Density: A unit of measurement; the number of dwelling units per acre of land.

Density, Gross: The total number of dwelling units divided by the total project tract/lot area, expressed as gross dwelling units per acre.

Density, Net: The numerical value obtained by dividing the total number of dwelling units in a development by the area of the tract of land upon which the dwelling units are proposed to be located and including all land areas associated with the dwelling units such as common open space, parking areas, and associated recreational facilities within the area. Net density calculations exclude rights-of-way of publicly dedicated streets and private streets, non-residential structures, land uses and accessory facilities and areas not related to the residential development.

Density Bonus : An increase in the number of allowable dwelling units per acre granted for some specific reason, such as the provision of lower income housing , as provided for in the Zoning Resolution.

Development: The physical extension and/or construction of urban land uses; human-caused changes to improved or unimproved land and structures. Development activities include: construction or alteration of structures, roads, utilities, and other facilities; installation of septic systems; grading, mining, paving, excavation, drilling operations, deposit of refuse, debris, or fill materials; and clearing of natural vegetative cover (with the exception of agricultural activities).

Development Rights: The right to develop land, which is one of several rights that come with land ownership. The development right may be sold or given away separately from the other rights. If the development right is removed, the land is still private property, though the uses that are allowed are typically limited to farming and open space.

Dewatering: The withdrawal of ground water from an aquifer or saturated zone in conjunction with the mineral extraction process.

Down Zoning: A change in a property's zoning designation that results in lower densities or less intensive uses such as rezoning an area from 1 house per 1.5 acres to one house per 20 acres, or to rezone an area from industrial to agricultural.

District: An area of the Township with identified geographic boundaries on the official zoning map within which certain regulations and requirements apply under the provisions of the Zoning Resolution.

Drive-Through Facility: A place of business, sales or service which is laid out and equipped so as to allow its patrons to be served or accommodated while remaining in their automobiles. Drive-through facilities shall exclude Car Washes and Automotive Fuel Stations.

Drive-in Restaurant: (See Restaurant, Drive-In, and Restaurant, Fast-Food)

Driveway: A minor private roadway or way providing access for vehicles and pedestrians to a parking space, garage, dwelling, or other structures.

Dwelling: Any building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants, and does not include hotels or motels. (Also see Factory Built Housing)

Dwelling, Dormitory: A building, or part thereof, owned and operated by a school or college, where meals and/or lodging are provided for fees, for three (3) or more unrelated persons.

Dwelling, Industrialized Unit: A factory assembled dwelling unit, which when constructed or placed on the site, is self sufficient, except for necessary preparations for its placement, but does not include a mobile home. Modular homes must meet the requirements of the Ohio Basic Building Code as adopted by Portage County. (Also see Factory Built Housing)

Dwelling, Multi-family: A building, designed and used exclusively by three (3) or more families, living independently of each other.

Dwelling, Single-family: A detached dwelling, designed exclusively for occupancy by one family.

Dwelling, Townhouse: A multiple-family building comprised of attached single-family dwelling units where the units are attached by common firewalls and each unit has at least one (1) separate outside entrance.



Dwelling, Two-family: A building, designed and used exclusively by two (2) families, living independently of each other.

Dwelling Unit: Space within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family.

Earth Products: Any solid material, aggregate, or substance of commercial value, whether consolidated or loose, found in natural deposits on or in the earth, including but not limited to clay, silt, diatomaceous earth, sand, gravel, stone, metallic ores, shale, and soil.

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designed part of the owner's property.

Elderly Housing: A dwelling especially designed for use and occupancy of persons who are age 62 or older.

Elderly Persons: Persons who are 62 years of age or older. Families where either the husband or wife is 62 years of age or older.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities or governmental agencies, of underground gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishings of adequate service by such public utilities or other governmental agencies or for the public health, safety or general welfare, but not including buildings.

Exotic Animal: Any member of a species of animal, reptile, or bird, warm or cold-blooded, that is not indigenous to the environs of this region of the U.S. and/or is not classified as wildlife, livestock, or domestic animal. (Also see Wild or Dangerous Animal)

Exotic Plant: Any species of plants that are not indigenous to this growing region of the United States.

Facade: The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Factory-Built Housing: Factory-built housing means a factory built structure designed for long term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Resolution, factory-built housing shall include the following:

Manufactured Home: Any non-self propelled vehicle transportable in one or more section which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred-twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation² when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that is built in compliance with Federal Manufactured Housing Construction and Safety Standards.

Modular Home: Factory built housing certified as meeting the State of Ohio Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site built homes.

Mobile Home: Any non-self propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so constructed as to permit its being used or so constructed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and an

² Randolph Township requires a permanent foundation.

overall length of thirty (30) feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

Family: One person, a group of persons related by blood, marriage or legal adoption, or up to five unrelated individuals living together as a single housekeeping unit, in a dwelling unit.

Farm: A parcel of land used for agricultural purposes. (Also see Agriculture)

Farm-related business: A business operated on a farm parcel, related to or supportive of agricultural activities, such as farm implement repair, family crafts, sale of farm supplies. Farm related businesses must be secondary to the farm operation. Farm related businesses must remain an accessory use, secondary to the farm operation, and should not interfere with adjacent farms or cause nuisances for nearby residents.

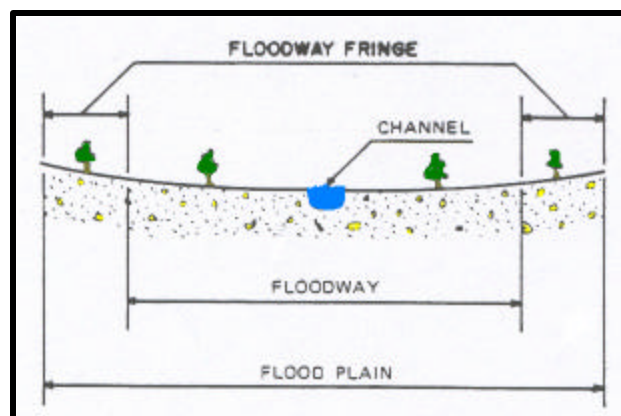
Fence: A barrier constructed to enclose an area for protective and/or screening purposes.

Flea Market: A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are home made, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods and retail by businesses or individuals who are generally engaged in retail trade, not to include private garage sales.

Flood Plain: Land, including the flood fringe and the floodway, that is subject to inundation by the regional flood (100-year internal average frequency).

Floodway: That portion of the flood plain, including the channel, which is reasonably required to convey the regional floodwaters. Floods of less frequent recurrence are usually contained completely within the floodway.

Floodway Fringe: That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.



Floor Area, Gross: The sum of all the horizontal areas of every floor of a building, measured from the interior faces of the exterior walls. Except as otherwise specified, the floor area of a building

includes: halls, stairways, elevator shafts, floor space used for mechanical equipment, attached garages, roofed porches, attics with 7' 10" headroom, floor area devoted to accessory uses.

Floor Area, Living: The sum of the gross horizontal area of the floors of a residential building, excluding the basement floor areas not devoted to residential use as habitable space. Porches, terraces, garages, or other spaces not in compliance with building code specifications for habitable space are also excluded as living floor area.

Floor Area of Nonresidential Building: (To be used in calculating parking requirements) The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms and similar areas.

Floor Area Ratio: The total floor areas of a building or buildings on a lot divided by the area of the lot. Example: floor area ratio of 2:1 on a 10,000 square foot lot allows a developer to have buildings not exceeding 20,000 square feet.

Food Processing: The preparation, storage, or processing of food products. Examples of these activities include: bakeries, dairies, canneries, and other similar businesses.

Footcandle: The illuminance on a surface of one square foot in area on which there is uniformly distributed a light flux of one lumen.

Foundation: The portion of the supporting walls, below the first or ground floor framing, including the footings.

Garage, Private: A detached accessory building or an accessory portion of a principal building for the parking or temporary storage of automobiles, travel trailers, and/or boats of the occupants of the premises, and wherein:

1. Not more than one space is rented for parking to a person not a resident on the premises.
2. No more than one commercial vehicle per dwelling unit is parked or stored.
3. The commercial vehicle parked does not exceed five (5) tons GVW.

Garage, Public: A principle or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

Garage Sales, Lawn Sales, and Rummage Sales: The sale of tangible personal property, which is advertised by any legal means where the public is or can be made aware of the sale.

Glare: A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

Grade, Finished: The average level of the finished surface of the ground adjacent to the exterior walls of a building in the case of earth bermed buildings, the ground adjacent to the berm.

Grade, Natural: The elevation of the undisturbed natural surface of the ground prior to an excavation or fill.

Group Residential Facility: A community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two classes of group residential facilities.

Class I: Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or pre-delinquent children, for the physically handicapped or disabled, or for those with mental illness or development disabilities. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff.

Class II: Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II type B group residential facility contains five (5) or less residents, exclusive of staff.

Hazardous Material: Any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

Health Club: Health club means, but is not limited to, gymnasiums (except public), and private clubs (athletic, health, or recreational, reducing salons, and weight control establishments).

Home Based Business: An accessory use of a residential property for a business that is secondary and incidental to the primary use of the property and buildings as a residence, and such accessory use does not change the residential character of the buildings, site or neighborhood.

Home Office: An accessory use in which work for compensation is undertaken, including, but not limited to, receiving or initiating correspondence, such as phone calls, mail, faxes, or e-mail; preparing or maintaining business records, word and data processing; and telephone, mail order and off premise sales.

Homeowners Association: A private, nonprofit corporation or association of homeowners for the purpose of owning, operating, and maintaining various common properties.

Hospital: A building which maintains an establishment for the medical, surgical, or psychiatric care of bed patients for longer than 24 hours for emergency care; which has a minimum of ten patient

beds, and an average of 2,000 patient days/year, and which has on duty a registered nurse 24 hours a day.

Hotel or Motel and Apartment Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public as opposed to a boarding house, rooming house, lodging house, or dormitory.

Household Pet: Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, and rodents.

Impervious Surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand or limestone as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

Industrial Park: A planned, coordinated development of a tract of land with two or more separate industrial buildings and related uses. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

Industry, Heavy: Manufacturing or other enterprises with significant external affects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other processes; A use engaged in the basic processing and manufacturing materials or products predominately from extracted or raw materials.

Industry, Light: Enterprises engaged in research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly and/or treatment or fabrication of materials and products from processed or previously manufactured materials, sales and distribution of such products. Light industry is capable of operating in such a manner as to control the external effects of the manufacturing process and other activities of the enterprise.

Institution, Human Care: A building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitation, counseling or other correctional services.

Institution, Educational, Religious, and Charitable: Buildings and/or land designed to aid individuals in educational, religious, charitable or other pursuits.

Junk: Waste discarded or salvaged materials, such as: scrap metals, used building material, used lumber, used glass, discarded motor vehicle(s), paper, rags, rubber, cordage, barrels and other similar type materials.

Junk Shop, Junk Buildings, Junk Yards: Any area of at least seventy-five (75) square feet of land, buildings, or structures, whether for private or commercial purposes where waste, discarded or salvaged materials such as scrap metals, used building material, used lumber, used glass discarded

motor vehicles, paper, rags, rubber, cordage, barrels, etc. are sold, stored, or processed; any land used for storing or keeping of two or more junk motor vehicles in the open, on any premises for more than seventy-two (72) hours.

Junk Vehicles: See **Motor Vehicle, Junk**

Kennel: Any lot or premises on which 2 or more dogs, more than 3 months of age, are bred, for sale or for hunting, or boarded.

Lake: A natural or artificial body of water five acres or more in size.

Landfill: A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

Landscape Buffer or Screen: A continuous landscaped area, designed maintained and used for screening and separation of districts, lots or buildings.

Landscaping: The aesthetic improvement of property through the installation of plant materials, berming, walls and fences, and other decorative features.

Land Trust: A private, nonprofit conservation organization that qualifies as a charitable organization under section 501(c) (3) of the Internal Revenue Code. Its purpose is generally to protect natural resources such as productive farmland and forestland, natural areas and habitats, historic structures and recreational areas. Land trusts may accept donations of property, development rights or money. Donations may qualify as tax deductions. Land trusts may also purchase property and development rights. Land trusts also educate the public about the need to conserve land, and some provide land use and estate planning services to local governments and individual citizens.

Land-Use Plan: A plan that designates the future use or reuse of land in the Township. It indicates the kinds, general locations and intensity of land uses, conservation and open space areas, resource protection and development policies, implementation strategies and actions. The plan serves as a guide for official actions.

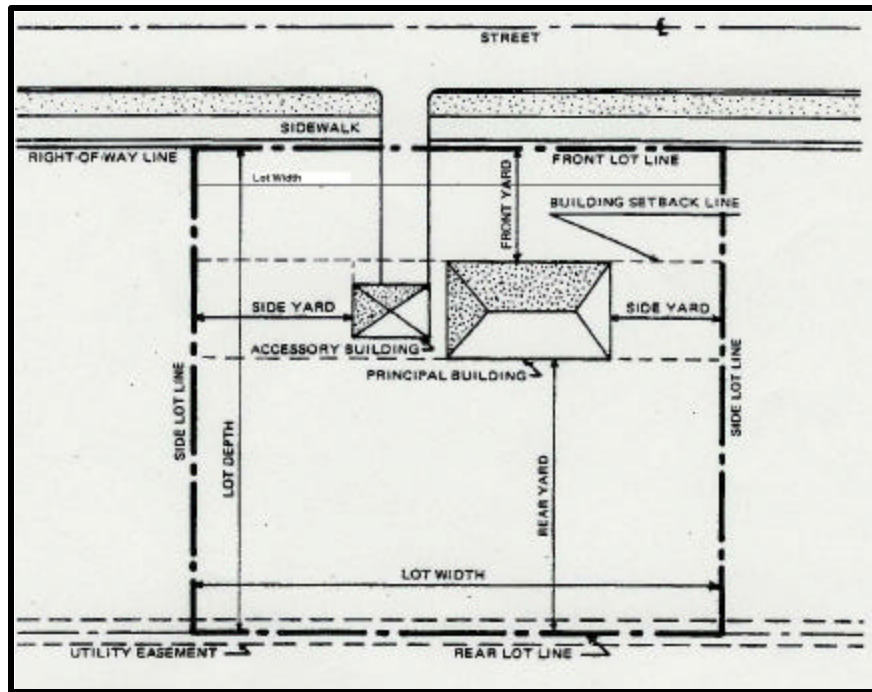
Laundry, Self-Service: A business that provides home-type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

Light Trespass: Any form of artificial illumination emanating from a light fixture or illuminated sign that penetrates other property as specified in this resolution.

Loading Space, Off-Street: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Location Map: See Vicinity Map.

Lot: A lot is a parcel of land sufficient in size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required, and having its principal frontage on a public street or private street built to County Subdivision Regulation standards.



Lot, Minimum Area: The area of a lot that is computed exclusive of any portion of the right-of-way of any public or private street.

Lot Coverage: A measure of intensity of land use that represents the portion of a site that is impervious. This portion includes, but is not limited to, all areas covered by buildings, driveways, roads, sidewalks, and any area of concrete or similar impervious material. The ratio is usually expressed as a percentage of the total horizontal lot area.

Lot Depth: The mean horizontal distance between the right-of-way line and the rear lot line.

Lot Frontage: The horizontal distance measured between the side lot lines at the street right-of-way. (See lot drawing)

Lot Line, Front: The line separating the front of the lot from the street. When a lot or building site is bounded by a public street and one or more alleys or private street easements or private streets, the front lot line shall be the nearest right-of-way line of the public street. (Also see Yard, Front.)

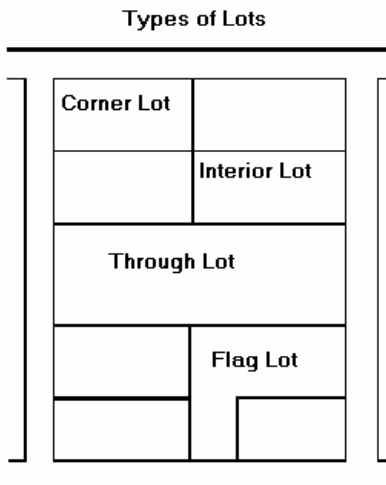
Lot Line, Rear: The rear property line of a lot is that lot line opposite to the front property line. (See lot drawing)

Lot Line, Side: Any boundary of a lot that is not a front or rear lot line. On a corner lot, a side lot line may be a street lot line.

Lot of Record: A lot that is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types:

1. **Corner Lot:** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
2. **Interior Lot:** A lot with only one frontage on a street.
3. **Through Lot:** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. **Reversed Frontage Lot:** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.
5. **Flag Lot:** A lot with access provided to the bulk of the lot by means of a corridor, commonly called a "flagpole," and which corridor is less than the required frontage for the district in which it is located.



Lot Width: The horizontal distance measured between the side lot lines at the building setback line. Unless otherwise allowed in this resolution, the minimum lot width shall apply the full length of the lot. For lots having more than one street lot line, the required lot width shall be measured along the narrowest street lot line. (See lot drawing)

Lumen: A unit of measure of the quantity of light which falls on an area of one square foot every point of which is one foot from the source of one candela (candle). A light source of one candela emits a total of 12.57 lumens.

Maintenance Guarantee: A guarantee of facilities or work to ensure the correction on any failures of any improvements required pursuant to this resolution and regulation, or to maintain same.

Major Thoroughfare Plan: The portion of the Township or County Comprehensive Plan adopted by the Zoning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

Maintenance and Storage Facilities: Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

Manufacturing, Extractive: Any mining, quarrying, excavating, processing, storing, cleaning, or marketing of any mineral natural resource.

Manufacturing, Light: Manufacturing uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust, operating and storing within enclosed structures, and generating little industrial traffic and no nuisances.

Marquee: Any hood or awning of permanent construction projecting from the wall of a building, above an entrance over a street or sidewalk, or portion thereof.

Manufactured Home Park: Any site, or tract of land under single ownership, upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Mining: See **Manufacturing, Extractive**

Minor Lane Subdivision/Development: A type of conservation subdivision requiring platting that is intended to encourage more efficient use of land and accommodate residential development in a more flexible manner that results in a more enhanced rural environment than under traditional subdivision development, typically through minimizing public road frontage development and the impact on the rural landscape.

Mobile Home Park: Any site, or tract of land under single ownership, upon which three (3) or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Motel: A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to

a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel. (See also Hotel)

Motion Sensor Device: A device that will sense motion electronically and switch on security lighting for a brief duration.

Motorcycle: A motor vehicle having a saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, but excluding a tractor.

Motor Vehicle: Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets, or other public ways.

Motor Vehicle, Abandoned: Any motor vehicle that has been left on private residential or private agricultural property for at least four (4) hours without the permission of the person having the right to the possession of the property.

Motor Vehicle, Abandoned Junk: Any motor vehicle meeting all of the following requirements:

1. Left on private property for forty-eight (48) hours or longer without the permission of the person having the right to the possession of the property, on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of way of any road or highway, for forty-eight hours or longer;
2. Three years old, or older;
3. Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;
4. Apparently inoperable;
5. Having a fair market value of one thousand five hundred dollars or less.

Motor Vehicle, Collectors: Any motor vehicle of special interest that has a fair market value of one hundred dollars or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation.

Motor Vehicle, Commercial: Any motor vehicle designed to be used for business or commercial purposes and includes, but is not limited to: a bus, cement truck, commercial tree trimming equipment, dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, stake bed truck, step van, tank truck, tar truck, or other commercial type vehicle licensed by the State of Ohio as a commercial vehicle or truck.

Motor Vehicle, Historical: Any motor vehicle that is over twenty-five years old and is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, but that in no event is used for general transportation.

Motor Vehicle, Inoperable: Any motorized vehicle incapable of immediately being driven and/or not properly licensed or inspected for safety in accordance with state law.

Motor Vehicle, Junk: Any motor vehicle that meets the all the following criteria:

1. Three years old or older;
2. Extensively damaged, such damage including, but not limited to any of the following: missing wheels, tires, motor or transmission;
3. Apparently inoperable;
4. Having a fair market value of one thousand five hundred dollars or less;
5. Left uncovered in the open on private property for more than seventy-two (72) hours with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under the authority of ORC 4737.05 to 4737.12, or regulated under authority of the Township, County, or other political subdivision; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation; or if the motor vehicle is a collector's vehicle.

Natural Feature : An existing component of the landscape maintained as a part of the natural environment and having ecological value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, the natural diversity of plant and animal species, human recreation, reduction of climatic stress and energy costs.

Night Club: A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing is permitted and/or entertainment. (See also Bar)

Nonconforming Lot: A lot, lawfully designed and recorded or platted prior to the enactment of this Zoning Resolution or any amendment hereto, but which does not now conform to the lot area, width, access or other requirements of the district in which such lot is located.

Nonconforming Structure : Any structure, lawfully designed and constructed prior to the enactment of this Zoning Resolution or any amendment hereto, which does not now comply with all of the regulations of the Zoning Resolution or any amendment hereto governing bulk for the zoning district in which such structure is located.

Nudity or State of Nudity: The quality or state of being naked. The appearance of a human bare, unclothed buttock, anus, male genitals, female genitals, or female breasts. The showing of: 1) the female or male genitals, pubic area, or buttocks with less than a fully opaque covering, or 2) the female breast with less than a fully opaque covering of any part of the nipple.

Nuisance: Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses; the use of land that brings harm or bother to an adjacent property owner or the general public. Nuisances are typically noise, odors, visual clutter, and dangerous structures.

Nursing Home:

Institutional: A state licensed home or facility for the care and treatment of elderly people on a long-term basis.

Non-Institutional: A facility licensed or certified to provide domiciliary care for 9 to 16 individuals who are dependent on the services of others by reasons of health, physical or mental impairment (not mental retardation or developmental disabilities) but who do not require skilled nursing care. (See Rest Home)

Nursery, Plant Materials: Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening and landscaping.

Office: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Office Park: A large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking.

Off-Road Vehicle: Any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, wetlands/swamps, or other natural terrain, except that such terms exclude: a) registered motorboats; b) military, fire, emergency, and law enforcement vehicles when used for emergency purposes, and c) any vehicle whose use is expressly authorized by the Township.

Oil: Crude petroleum oil and all other hydrocarbons, regardless of gravity, which are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.

Oil and Gas Wells: All wells as defined herein for the production, extraction or injection of oil and/or gas and/or associated waste brines.

Open Space: An area substantially open to the sky that may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities as specified in this Resolution. Street, parking areas, structures for habitation and required side, front and rear yards shall not be included.

Open Space, Common: Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

Outdoor Light Fixture: An electrically powered illuminating device containing a total light source of more than 1800 initial lumens per fixture (this is greater than a single 100 watt incandescent, or two 75 watt reflectorized incandescent bulbs), which is permanently installed outdoors, including but not limited to, devices used to illuminate any site, architectural structure, or sign.

Outdoor Storage: The keeping of property in an open area of a lot. For the purposes of this definition, the keeping of wood or compost piles will not be considered outdoor storage.

Overlay District: A district established by resolution within which further regulations are applied to a site in addition to those of the underlying or base district. A district that extends on top of one or more base zoning districts and is intended to protect certain natural features and resources or to achieve other described special purposes such as historic preservation.

Park: Any public or private land available for recreational, educational, cultural, or aesthetic use.

Parking Lot: An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. (See also Garage, Public)

Parking, Shared: The development and use of parking areas on two or more separate properties for joint use by the business on those properties.

Parking Space: An area adequate for parking an automobile with room for opening doors on both sides, exclusive of passageways and driveways giving access to the automobile.

Parking Space, Off-Street: For the purpose of this Resolution, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Passive Recreation: Non-intensive, non-motorized recreation requiring minimal alteration of existing topography and vegetation. Such passive recreation shall include, but not be limited to, hiking, bicycling, picnicking, bird watching, horseback riding and other similar activities that have minimal impact on natural resources.

Performance Guarantee or Surety Bond: Security provided by the subdivider or developer to the Township, for the amount of the estimated construction improvement cost guaranteeing the completion of physical improvement according to plans and specifications within the time prescribed by the Township for improvements that are not covered by the Portage County Subdivision Regulations.

Perennial Stream: A natural waterway that contains water throughout the year except in severe drought.

Personal Services: Any enterprise conducted for gain that primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

Places of Worship: Structures and other indoor or outdoor facilities used for public worship and related educational, cultural or social activities.

Planning Commission: The Portage County Regional Planning Commission.

Plat: A map of a subdivision as defined by and governed by the Portage County Subdivision Regulations.

Planned Unit Development (PUD): A tract of land that is controlled by one entity and is planned and developed as a whole, either all at once or in programmed stages. PUDS are developed according to detailed site plans and may incorporate a mix of land uses as allowed by this resolution. PUDS are utilized to provide flexibility in the design of development and as a means to achieve more open space and other amenities in a community.

Political Subdivision: A County, Township or other governmental unit specified in the Ohio Revised Code.

Pollution: The contamination or other alteration of the physical, chemical or biological properties of any natural waters of the township or such discharge of any liquid, gaseous, or solid substance into the air or any water of the township that will or is likely to create a nuisance or render such air or waters harmful, detrimental or injurious to public health, safety or welfare; to domestic, commercial, agriculture, recreational, or other beneficial uses; or to livestock, animals or aquatic life.

Pond: A natural or artificial body of water of less than 5 acres in size. Artificial (man made) bodies of water with a recirculation system are not included in this definition.

Prime Agricultural Land: Farmland that has a gentle slope, well-drained soils and requires a minimum of conservation practices. In Portage County, Class I, II, and III are considered prime soils by the Natural Resources Conservation Service of the U.S. Department of Agriculture.

Private Improvement: Any roadway, sidewalk, pedestrian way, tree lawn, lot improvement, or other facility for which the homeowners or owners association is responsible for maintaining.

Project Boundary: The boundary defining the tract(s) of land that is included in a development project to meet the minimum required project area for a conservation development. The term "project boundary" shall also mean "development boundary."

Print Shop: A retail establishment that provides duplicating services using photocopy, blueprint, and offset printing equipment, including collating of booklets and reports.

Professional Activities: The use of offices and related spaces for such professional services as provided by medical practitioners, lawyers, architects, engineers, and similar professions.

Public Improvement: Any roadway, sidewalk, pedestrian way, tree lawn, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or that may affect an improvement for which responsibility by the local government is established.

Public Service Facility: The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by another governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

Public Uses: Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, bicycle path; or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

Purchase of Development Rights: The voluntary sale of rights to develop a piece of property by the landowner to a government agency or land trust. The sale price is determined by an appraisal. Once development rights are sold, the land is then restricted to farming or open space. Landowners retain full ownership and use of their land for agricultural purposes. Development rights are extinguished in exchange for compensation. PDR is also known as PACE (Purchase of Agricultural Conservation Easements) (Also see Development Rights)

Quasi-public Use: Churches, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

Receiving Area: (See Transferable Development Rights)

Recreation Facilities: Public or private facilities that may be classified as either extensive/passive or intensive/active, depending upon the scope of services offered and the extent of use. Extensive/passive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive/active facilities generally require less land, are used more intensively and include, but need not be limited to, swimming pools, miniature golf courses, bowling alleys, and tennis courts. (Also see Active Recreation and Passive Recreation)

Recreational Vehicle: A vehicular portable structure that is designed and constructed to be used as a temporary dwelling for travel, recreational, and vacation uses and is classified as follows:

Travel Trailer: A non-self propelled recreational vehicle that does not exceed an overall length of 35 feet or as otherwise defined by the Ohio Revised Code, exclusive of bumper and tongue or coupling. Tent-type fold-out camping trailer is also included.

Motor Home: A self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.

Truck Camper: A non-self propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck Camper"

does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a temporary dwelling.

Fifth Wheel Trailer: A vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four hundred square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth wheel hitch ordinarily installed in the bed of a truck.

Recreational Vehicle (RV) Park: Any parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational vacation purposes.

Recycling Collection Plant: An incidental use that serves as a neighborhood drop off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches and schools.

Recycling Facility: A building in which recyclable materials are processed for sale; materials are collected in enclosed containers.

Research Activities: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering.

Restaurant: A business establishment whose principle business is the selling of un-packaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building. This includes outdoor cafes.

Restaurant, Drive-in: An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

Restaurant, Fast Food: An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or grilled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table and food is generally served in disposable wrapping or containers.

Rest Home or Nursing Home (Non-Institutional): A facility licensed or certified to provide domiciliary care for 9 to 16 individuals who are dependent on the services of others by reasons of health, physical or mental impairment (not mental retardation or developmental disabilities) but who do not require skilled nursing care.

Retirement Facility: A facility providing living quarters, either owned or rented to persons age 62 years of age or older. Such facility may be a single structure or a group of structures, and may include medical, recreational and commercial services if such services are available and predominantly designed for residents and their guests.

Right-Of-Way: Any sidewalk, street, alley, highway, or other public thoroughfare.

Roadside Stand: A temporary structure designed or used for display or sale of agricultural and related products by the owner or lessee of the property on which it is located. Products sold are primarily from the premises.

Rural Character: An atmosphere of a community that is characterized by:³

1. **Rural Views:** Long, wide open views, created by unobstructed fields backed by woodlands. Fences and windrows typically define field edges. Buildings are clustered in the midst of a field or near the backdrop of woodlands. Fields and woodlands are separated from the road by ditches and fences. There is a roughness against the edge of the road in the form of wild grasses and flowers and older trees. The view down the road may be enclosed with overarching trees, or winding as it follows natural contours. It is often open and undulating, revealing property lines of original farmsteads. Clustered towns or villages may be viewed in the distance, providing a sense of orientation to the viewer;



2. **Traditional Settlement Patterns:** Buildings are grouped in the midst of wide open spaces. "At any scale, a person has a sense of moving through large areas of open space and then coming to a settlement pattern. This pattern is repeated over and over again. At the scale of the farmstead, a house, barn and several outbuildings are grouped together in the midst of wide-open spaces-fields, orchards, or wooded areas. At a larger scale, a crossroads settlement may consist of a few compactly sited homes and local stores. A town or village center is at the heart of a rural community. A core commercial and

³ Country Side Program, Conservation Resource Development Manual, (Western Reserve Resource Conservation and Development Council, 1998) p.p. 1A-1, 1A-2.

business district is surrounded by a few blocks of small in-town residential lots. The edge of town is clearly defined by a return to large areas of open space.... A strong separation of uses common to suburban areas is not practical for rural lifestyles."⁴



Drawing by Center for Rural Massachusetts

3. **Large Areas of Undeveloped Land:** Rural areas also have "large areas of undeveloped land that have several characteristics in common: in order to continue in their existing function they must be of a certain size and configuration; and they require a buffer of distance or vegetation to separate them from development."⁵
4. **Historic Structures and Landscapes:** Rural character includes the man made structures and plantings that have in the past and continue to contribute to a community's heritage. These features include farmsteads, town halls, older homes, stone walls, hedgerows, mature stands of trees, and commercial storefronts.

Satellite Signal Reception Device: A structure or combination of structures, designed to receive television broadcasts or other signals from earth orbiting communication satellites.

Screening: The method by which a view of one site from another adjacent site is shielded concealed, or hidden. Screening techniques include fences, walls, berms, or other features. (Also see Buffer Yard)

Screening Strip: A strip of land planted with evergreen, shrubs, or other materials to serve as a natural fence, or to limit access of neighboring lots.

Seat: For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

⁴ Ibid. p. 1A-2.

⁵ Ibid.

Sending Area: (See Transferable Development Rights)

Sewers, On-Site: A septic tank, or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of the Health Department or other officials having jurisdiction.

Shielded Light Fixture: A light fixture with cutoff optics that allows no direct light emissions above a vertical cutoff angle of 90 degrees for street lighting and 80 degrees for all other lighting, through the light fixture's lowest light emitting part. Any structural part of the light fixture providing this cutoff angle must be permanently affixed.

Shopping Center: A grouping of retail business and service uses on a single site with common parking facilities.

Shoreline: The line where a body of water and the land meet at the normal high water mark.

Sidewalk: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

Sign: Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

Sign, Area: That area within a regular geometric form, or combination comprising all of the display area of the sign except frames and structural members not being used for advertising.

Sign, Awning, Canopy, or Marquee: A sign painted, stamped, perforated, or stitched, or otherwise applied on the valance of an awning.

Sign, Electronic Message Board: Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the creation of change are electronically programmed and can be modified by electronic processes.

Sign, Free Standing, Ground and Pole: A sign supported by uprights or braces, placed on or in the ground.

Sign, Illuminated: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.

Sign, Lighting Device: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

Sign, Off-Premises: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.

Sign, On-Premises: Any sign related to a business or profession conducted, or a

commodity or services sold or offered upon the premises where such sign is located.

Sign, Planter: A free standing sign that utilizes plants, (the majority of which are evergreen) and stone, wood or other building materials to screen the supporting structure of the sign that is designed to embrace the appearance of the building and premises to which it pertains and the community in general as well as to identify and advertise.

Sign, Portable: A sign that is not permanently affixed to a building, other unmovable structure, or the ground.

Sign, Projecting: Any sign that projects from the exterior of a building.

Sign, Roof: Any sign erected upon, against, or directly above a roof or roof eave, or on top or above the parapet, or on a functional architectural appendage above the roof or roof eave.

Sign, Temporary: A sign intended for use for only a limited period of time.

Sign, Wall: A sign painted on, attached to the wall of a building with the exposed face of the sign in a plane parallel to the plane of the wall.

Sign, Window: A sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.

Site Plan: The drawing for the development of a parcel, showing appropriate site features, structures, or improvements, as proposed.

Shelter: (See Temporary Shelter)

Standard (Traditional) Subdivision: A major (requires platting), or minor subdivision (exempt from platting), as defined by the Ohio Revised Code, in which property is subdivided into lots having the minimum front, side and rear yards as specified by the Zoning Resolution and with each lot having the requisite frontage on a street built to Portage County Subdivision Regulation standards, and open space requirements are provided as per the County Subdivision Regulations.

Storage Facility, Self-Service: A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares, and may include an area for limited outdoor storage of large vehicles and equipment, subject to the regulations of such facilities in this resolution.

Storage Tank: A closed vessel for the storage of liquid hydrocarbon substances at atmospheric pressure.

Story: That part of a building between the surface of a floor and the ceiling immediately above.

Stream Bank or River Bank: The ordinary high water mark of the stream or river, otherwise known as the bankfull stage of the stream or river channel. Indicators used in determining the

bankfull stage may include changes in vegetation, slope or bank materials, evidence of scouring, and stain lines.

Street, Thoroughfare or Road: The full width between property lines, with a part thereof to be used for vehicular traffic and designated as follows:

Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.

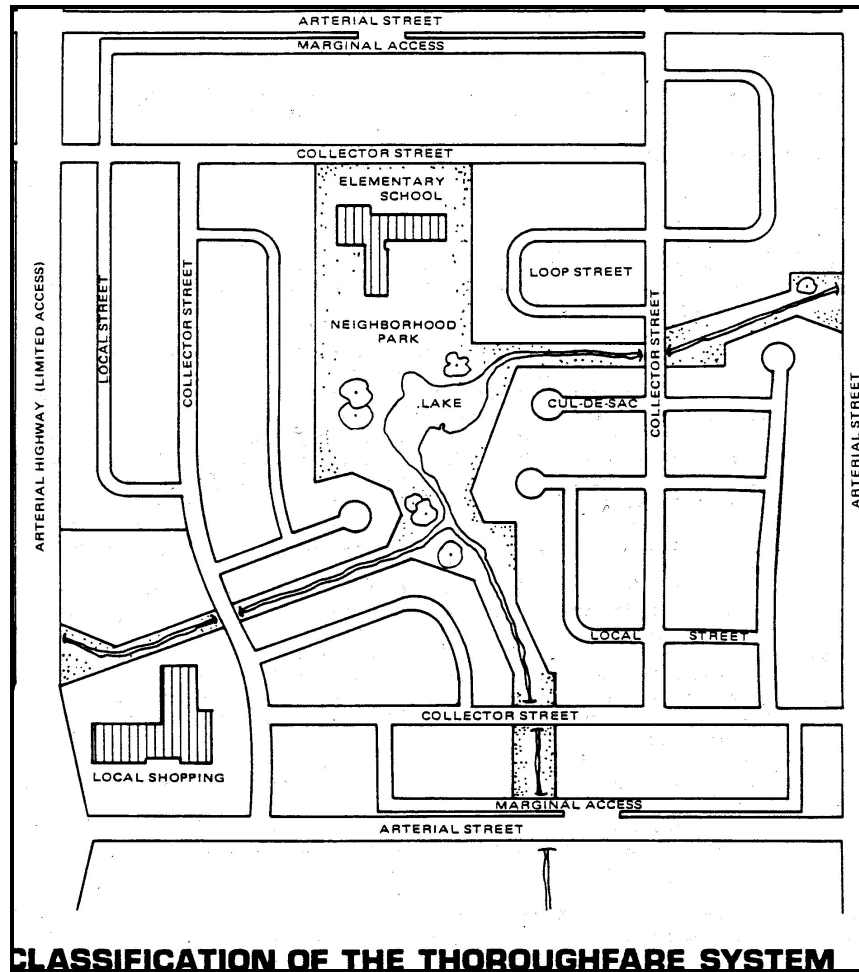
Arterial Street: A general term denoting a highway primarily for through traffic carrying heavy loads and large volume of traffic, usually on a continuous route.

Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.

Cul-de-sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnabout.

Dead-end Street: A street having only one (1) outlet for vehicular traffic.

Local Street: A street primarily for providing access to residential or other abutting property.



Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Structures include, but are not limited to, buildings, decks, fences, garages, signs and walls and movable structures which may be on blocks, skids or similar support. Structures do not include trailers or other vehicles whether on wheels or other supports.

Structure, Accessory: A subordinate building or structure located on the same lot with the principle building, occupied by or devoted to an accessory use, but not to be used for habitation. When an accessory building is attached to the principal building in a substantial manner, as by a wall or a roof, such accessory building shall be considered part of the principal building.

Subdivision:

1. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll into two or more parcels, sites or lots, any one of which is less than five acres, for the purpose, whether immediate or future, of transfer of ownership, provided that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access and the sale or exchange of parcels between adjoining

lot owners, where such sale or exchange does not create additional building sites, shall be exempted, or:

2. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street, except a private street serving industrial structures; or the division or allocation of land as open space for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other facilities.

(Also see Standard Traditional Subdivision)

Swap Meet: Occasional or periodic commercial activities held in an open area, enclosed or semi-enclosed structures where groups of sellers rent space on a short term basis to display, trade, auction or sell new or used goods to the public.

Vehicle Swap Meet: Displays, exhibitions, shows of vehicles and means of transport including the display, demonstration, sale, auction, trade and exchange of vehicles, parts, supplies, materials, and uses ancillary to such shows. Vehicles include but are not limited to: automobiles, motorcycles, recreational vehicles, tractors and other farm vehicles, and boats.

Swimming Pool: An in-ground or above-ground structure, chamber or tank containing a body of water for swimming, diving or wading. Excludes portable pools with diameter less than twelve (12) feet or with an area of less than one hundred (100) sq. ft.

Swimming Pool, Family: A pool as defined above used exclusively by the residents and their non-paying guests of the dwelling unit.

Swimming Pool, Commercial/Club: A pool as defined above constructed by an associated of property owners or by a private club or association, for use and enjoyment by members and their families.

Temporary Residential Unit: A manufactured home that provides housing (for up to one (1) year) to those persons whose dwelling has been destroyed or damaged by a disaster so as to render the dwelling uninhabitable. Said temporary residential unit is to be used only while the permanent dwelling is being replaced, rebuilt, or repaired. (See general provisions for regulations.)

Temporary Shelter: A building operated under the full time supervision of a non-profit agency in which emergency lodging and meals are provided for a period not to exceed fourteen (14) days.

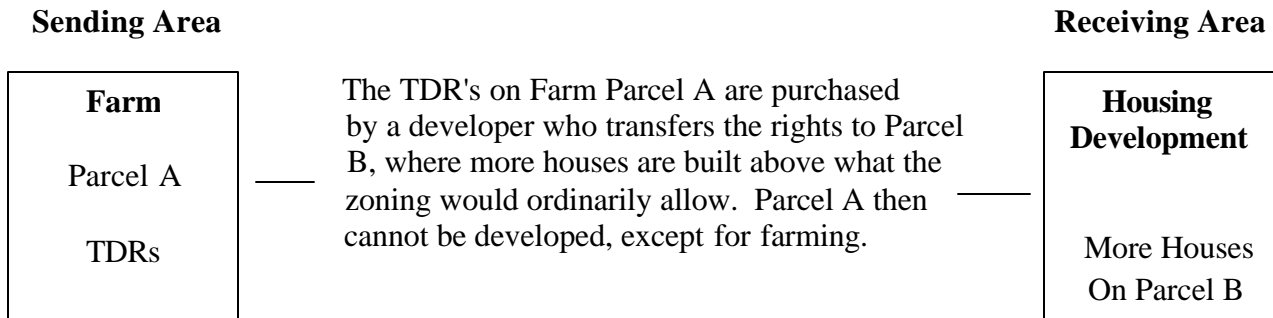
Transferable Development Rights (TDR): Property rights that may not be used on land from which they come. Transferable Development Rights may be sold to be used on a designated site in a receiving area (growth area). When the development rights are sold from the sending area parcel, the land they came from is then restricted to farming/open space uses and precluded from developing. Development rights are generally sold through the private market. When the development rights are sold on a parcel, a conservation easement is recorded and enforced by the

local government. In some cases, the local government may establish a "TDR Bank" to buy and sell development rights.

Receiving Area: Areas designated generally through land use plans and zoning resolutions to accommodate development transferred from agricultural or natural areas through a transfer of development rights program.

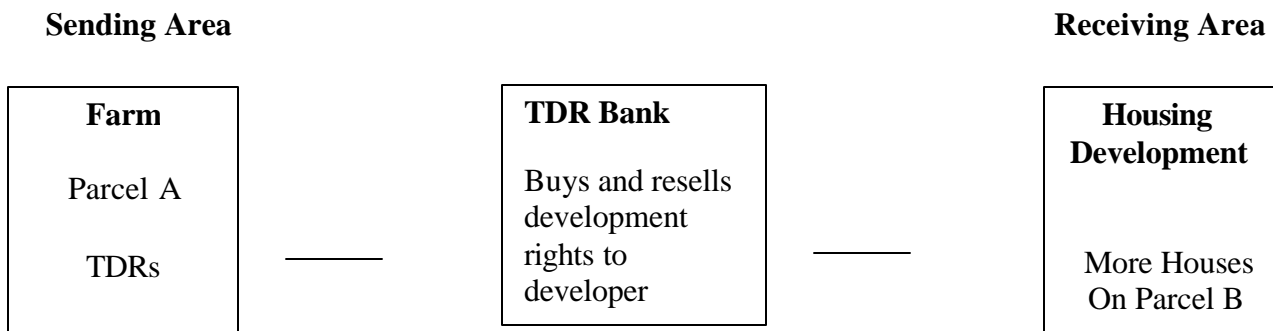
Sending Area: Area to be protected by a conservation easement, through a transfer of development rights program whereby the development rights are transferred to a receiving area. These areas are where landowners have transferable development rights. Landowners may sell their development rights to private individuals or a public agency; the rights are used to build more homes at a higher density or intensity than would otherwise be allowed in a receiving area.

1. Landowner Sells TDRs to a Developer



2. Using a Local Government TDR Bank to Transfer Development Rights

The TDRs on Farm Parcel A are purchased by a local government TDR bank. The TDR bank sells TDRs to a developer who transfers the rights to Parcel B, where more houses are built above what the zoning would ordinarily allow. Parcel A then cannot be developed, except for farming.



Transitional Use: A permitted use or structure that by nature or level or scale of activity acts as a transition or buffer between two or more incompatible uses.

Transportation, Director of: The Director of the Ohio Department of Transportation.

Truck Terminal: Land and building used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

Urban Growth Boundary: A line agreed upon by the township within which there is enough buildable land to accommodate development for up to twenty years, beyond which extension of urban services, especially sewer and water are discouraged.⁶

Urban Service Area: An area where urban services such as central sewer and water will be provided to accommodate urban type growth.

Use: The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Use, Accessory: A use located on the same lot with a principal use, and clearly incidental or subordinate to, and in connection with, the principal use.

Use, Conditional: A use, either public or private, which because of its unique characteristics cannot be properly classified as a permitted use in a particular district or districts.

Use, Existing: Any use of a parcel of land or structure that exists at the effective date of this Zoning Resolution.

Use, Nonconforming: Any use of any land, building, or structure, lawful at the time of the enactment of this Zoning Resolution, which does not comply with all of the regulations of this Zoning Resolution or any amendment hereto governing use of the zoning district in which such use is located.

Use, Permitted: A use that may be lawfully established in a particular district or districts provided it conforms to all of the requirements, regulations and standards of such district.

Use, Principal: The primary use and chief purpose of a lot or structure.

Use, Temporary: Any use which is established only for a fixed period of time, with the intent to discontinue such use upon the expiration of such time, and which does not involve the construction or alteration of any permanent structure.

⁶ This encourages development inside the boundary. This is a growth management technique to reduce /prevent sprawl and conversion of farmland and open spaces.

Variance: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in practical difficulty for area variances or hardship for use variances.

Area Variance: A modification of the strict terms of the resolution relating to dimensional (i.e., height, bulk, yard) requirements.

Use Variance: Authorization of the property owner (by the Board of Zoning Appeals) to establish a use of land that is otherwise prohibited in that zoning district in which the subject property is located based.

Veterinary Animal Hospital or Clinic: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirmed, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

Vicinity Map: A drawing located on a plat or a drawing which sets forth by dimensions or other means, the relationship of the proposed subdivisions or development, or use to the other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

Walkway: A public way, four or more feet in width, for pedestrian use only, which may or may not be located within the street right-of-way.

Warehouse: A building used primarily for the storage of goods and materials.

Warehousing and Distribution: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Waters of the Township: All streams, ditches, lakes, ponds, marshes, watercourses, waterways, wells, springs, drainage systems and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon the Township or any portion thereof.

Well: Any hole or holes, bore or bores, to any depth for the purpose of production, recovery, extraction or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil filled waters.

Wetland: An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The three criteria that must exist on a site for an area to be designated a wetland are hydric soils, hydrophytic vegetation, and wetland hydrology.

Wild or Dangerous Animals: Any animal, reptile, bird, fish, insect or arachnid which in the wild state or as trained, exhibits characteristics of being ferocious or dangerous and is capable of inflicting serious physical harm, or death to humans or domestic animals. Wild or dangerous animals include, but are not limited to: any animal, reptile, bird, fish, insect or arachnid, which either bites, claws, injects venom, strangles, or constricts prey in a manner which could cause serious harm to humans, or if released or escaped, could create a threat to the local ecology.

Wireless Telecommunication Facilities:

Collocation: The use of a wireless telecommunication facility by more than one wireless telecommunication provider.

Service Facility: A facility consisting of equipment, structures, parking area, and accessory development, involved in transmitting or receiving electromagnetic signals.

Services: Licensed wireless telecommunication services including cellular, personal communication services (PCS's), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Substantial Evidence: Such relevant evidence as a reasonable mind would accept as adequate to support a conclusion.

Technically Suitable: The location of a wireless telecommunication antenna(s) which reasonably serves the purpose for which it is intended within the bandwidth of frequencies for which the owner or operator of the antenna(s) has been licensed by the FCC to operate without a significant loss of communication capability within developed areas of the Township.

Tower: Any structure, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of supporting one or more antenna, or similar apparatus.

Tower, Multi-User: A tower to which is attached the antennas of more than one wireless telecommunication service, provider or governmental entity.

Tower, Single User: A tower to which is attached only the antenna of a single-user, although the tower may be designed to accommodate the antennas of multiple users as requested in this resolution.

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward, provided, accessories, ornaments, and outdoor furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front: A yard extending between side lot lines across the front of a lot line to the front of the principal building.

Yard, Rear: A yard extending between side lot lines across the rear of the lot and from the rear lot line to the rear of the principal building.

Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zoning Inspector: The person designated by the Board of Township Trustees to enforce the provisions of this Zoning Resolution.

Zoning Map: The Official Zoning District Map that shows the boundaries of districts within Randolph Township.

Zoning Certificate: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.